

# EXHIBIT 9



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

NETLIST, INC., ( CAUSE NO. 2:22-CV-203-JRG  
)  
Plaintiff, ( )  
vs. ( )  
MICRON TECHNOLOGY, INC., ( )  
et al., ( ) MARSHALL, TEXAS  
( ) OCTOBER 23, 2023  
Defendants. ( ) 9:00 A.M.

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MOTION HEARING

BEFORE THE HONORABLE ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE

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1 Defendant to be precluded from what?

2 MS. ZHAO: Relying on his testimony offered after  
3 fact discovery.

4 THE COURT: You mean being called as a witness at  
5 trial?

6 MS. ZHAO: Yes, Your Honor. And also -- so he  
7 provide some notes as evidence. Those are facts that did not  
8 disclose during the discovery period, so Micron should not be  
9 allowed to rely on the notes either.

10 THE COURT: The notes you're saying were not  
11 disclosed during discovery?

12 MS. ZHAO: Yes, Your Honor. And those notes  
13 actually talk about a third-party document set, and those are  
14 in Halbert's opinion what are the dates those documents were  
15 published, and those search terms that could be run to  
16 identify those documents from JEDEC.

17 THE COURT: Well, the standard rule is that  
18 documents that are not disclosed during discovery can't be  
19 used thereafter unless there's some motion for leave, so I'll  
20 hear from Micron on that.

21 But -- Mr. Rueckheim, do you have plans to use  
22 Mr. Halbert as a witness at trial?

23 MR. RUECKHEIM: We do, Your Honor.

24 THE COURT: And has he been deposed?

25 MR. RUECKHEIM: He was deposed, yes. Netlist